

**ALTUS CITY COUNCIL MEETING
MINUTES
JULY 21, 2015**

1. CALL TO ORDER

The City Council of Altus, Jackson County met in regular session Tuesday, July 21, 2015 at 7:37 p.m. in the Council Chambers of City Hall. Notice of the agenda was duly filed and posted in the office of the City Clerk, July 17, 2015 at 8:42 a.m.

2. ROLL CALL

The Clerk's roll call indicated the following members present:

Jack Smiley - Mayor
Presiding

Perry Shelton	
Rick Henry	Jon Kidwell
Jason Winters	Kevin McAuliffe
Dwayne Martin	Doyle Jencks

Absent: None

Also Present: David Fuqua, Catherine Coke, Debbie Davis, Donita Beers, Linda Walker, Kenny Combs, Ken Pike, Chad Osborne, Janice Berryhill, Phillip Beauchamp, Linda Mutchler, Dennis & Angie Murphy, Tracy Abbott, Steve Perry, Barbara Burleson, Tim Murphy, Dan Scott, Freddy Perez, Gary Brickley, Lloyd Colston, Officer Billy Fowler and other public.

3. COMMENTS FROM AUDIENCE REGARDING THE PROPOSED FY 2015-2016 BUDGET.

None

4. CONSIDER THE CONSENT AGENDA LISTED BELOW AND VOTE TO APPROVE THE MINUTES OR APPROVE WITH ANY CHANGES AS NOTED.

A. APPROVE MINUTES FOR THE ALTUS CITY COUNCIL MEETING ON JULY 7, 2015.

**B. RECEIVE AND ACKNOWLEDGE RECEIPT OF CLAIMS LIST
(Old and New Budget)**

C. BUDGET AMENDMENT IN THE AMOUNT OF \$914,750.00 TO APPROPRIATE UNBUDGETED SURPLUS TO PURCHASE CAPITAL ITEMS.

D. CONSIDER AND VOTE ON ADOPTION OF RESOLUTION NO. 2015- APPROVING THE RENEWAL FOR ANOTHER FISCAL YEAR THE TERMS AND CONDITIONS OF AN INTERLOCAL COOPERATIVE AGREEMENT BY AND BETWEEN INDEPENDENT SCHOOLS DISTRICT NO. 18 OF JACKSON OKLAHOMA (Altus Public Schools) AND THE CITY OF ALTUS, OKLAHOMA, INITIALLY APPROVED BY CITY RESOLUTION NO. 2009-18 PASSED ON APRIL 7, 2009, PERTAINING TO THE USE OF CERTAIN SALES TAX PROCEEDS (MAPS FOR ALTUS) APPROVED BY THE VOTERS OF THE CITY OF ALTUS, OKLAHOMA, WITH FUTURE ANNUAL RENEWALS TO BE ON OR ABOUT JULY 1, OF EACH YEAR UNTIL THE TERM ENDS ON JUNE 30, 2021, OR TAKE ANY OTHER APPROPRIATE ACTION.

E. CONSIDER AND VOTE TO APPROVE RESOLUTION NO. 2015- APPROVING THE REAPPOINTMENT OF MR. ROBERT STEPHENSON OF ALTUS, OKLAHOMA TO THE BOARD OF DIRECTORS OF THE MOUNTAIN PARK MASTER CONSERVANCY DISTRICT FOR A TERM ENDING JULY 1, 2019, OR TAKE ANY OTHER APPROPRIATE ACTION.

Motion made by KIDWELL and seconded by WINTERS to approve the Consent Agenda.

The Mayor called for the vote recorded as follows:

AYE: Shelton, Jencks, Henry, McAuliffe, Kidwell, Martin, Riffle, Winters, Smiley

NAY: None

Motion carried 9-0

5. REVIEW AND ACKNOWLEDGE THE PROPERTY OWNER REHABILITATION OF THE BUILDING AT 709. S. BENSON AND/ OR TAKE ANY APPROPRIATE ACTION

BACKGROUND: On May 5, 2015, Gambino Julian, property owner of 709 S. Benson, appealed to the City Council to rescind the Order of Demolition and Notice of Dilapidation and Lien filed by the City to remove the dilapidated building at 709 S. Benson. Mr. Julian told the Council that he intended to rehab the building into a residence for his family. The Council voted to allow the owner 120 days to continue work on the rehab of the building with a report given to Council in 60 days of the progress.

This item presented by Barbara Burleson, Planning Director

Discussion Only and acknowledge the 60 Day Review

6. CONSIDER, DISCUSS AND VOTE TO REMOVE THE ORDER OF DEMOLITION AND NOTICE OF DILAPIDATION AND LIEN FILED ON APRIL 20, 2015 AGAINST THE PROPERTY OWNER OF 208 SOUTH LEE STREET, DBC-10-10 AND/OR TAKE ANY OTHER APPROPRIATE ACTION. [Property owner appeals DBC Order to City Council.]

BACKGROUND: This item was tabled during the June 2, 2015 City Council meeting at the request of the Planning Director to allow the applicant more time to prepare for his appeal to Council.

The property owner of 208 S. Lee Street, appeals to the City Council to rescind the Order of Demolition and Notice of Dilapidation and Lien filed by the City to remove the dilapidated building at the above address. The DBC met on April 14, 2015 to review properties which had been posted with a dilapidated building notice. After review of the property, the DBC found the building to be a dilapidated building and recommended abatement of the building. An Order of Demolition and Notice of Dilapidation and Lien was filed with the Jackson County Court Clerk on April 20, 2015. The property owner was provided with a letter concerning the decision of the DBC and a copy of the Order of Demolition and Notice of Dilapidation and Lien.

On June 11, 2015, the Planning Director and Building Inspector met with property owner to discuss his plans for the property. The Planning Department developed a Structure Rehabilitation Plan to assist the property owner with his rehab plan. The property owner was given a form to fill in and bring to the Building Inspector. He has not been in to discuss the plan nor has the Planning Department had any contact with him.

This item presented by Barbara Burleson, Planning Director

A lengthy discussion was held. Mr. De La Rosa was present and answered questions from the Council members.

A motion was made by KIDWELL and seconded by SHELTON to table this item until the next meeting.

Councilman Winters was out of the room.

The Mayor called for the vote recorded as follows:

AYE: Martin, Kidwell, McAuliffe, Shelton
NAY: Jencks, Riffle, Henry, Smiley
Motion tied 4-4

Discussion continued.

The second motion was made by RIFFLE and seconded by KIDWELL to table this item until the next meeting contingent upon Mr. De La Rosa submitting a completed structure rehabilitation plan to the satisfaction of the Planning Department and the Planning Department will make recommendation based upon that during the next meeting.

The Mayor called for the vote recorded as follows:

AYE: Martin, Riffle, Kidwell, McAuliffe, Shelton, Henry, Smiley
NAY: Jencks,
Motion carried 7-1

7. CONSIDER, DISCUSS AND VOTE TO ACCEPT THE DEDICATION DEED FROM RODGER T. KERR, ADMINISTRATOR OF THE ESTATE OF ROBERT MARK KERR, DECEASED (Owner) OF ALTUS FOR THE REMAINDER (West Half) OF A PREVIOUSLY DEDICATED DETENTION POND FOR THE NORTHRIDGE SUBDIVISION, ADJACENT TO TAMARACK ROAD BRIDGE, OR TAKE ANY OTHER APPROPRIATE ACTION.

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BACKGROUND: This agenda item solves a past issue. The Dedication Deed for the Detention Pond for the Northridge Subdivision conveyed only the East half to the City. The property owner, Robert M. Kerr, was then subsequently assessed property taxes for that West Half. The mistake was caught after the fact. The City has reimbursed the owner for a portion of these taxes. Typically the owner shows the Detention Pond on the Final Plat and it is included in the Owner's Dedication to the City for public use. It can also be conveyed by the execution of a Dedication Deed. Legally and by past practice, the City votes to accept this Dedication and thereby agrees to provide future maintenance.

This item presented by Catherine Coke, City Attorney

Councilman Winters entered the room at 7:10 p.m.

Motion made by SHELTON and seconded by MARTIN to accept the Dedication Deed from Rodger T. Kerr, Administrator of the Estate of Robert Mark Kerr, deceased, of Altus for the remainder of a previously Dedicated Detention Pond for the Northridge subdivision, adjacent to Tamarack Road Bridge..

The Mayor called for the vote recorded as follows:

AYE: Shelton, Jencks, Riffle, McAuliffe, Winters, Kidwell, Martin, Smiley
NAY: Henry
Motion carried 8-1

8. CONSIDER, DISCUSS AND VOTE TO ACCEPT THE DEDICATION DEED FROM RODGER T. KERR, ADMINISTRATOR OF THE ESTATE OF ROBERT MARK KERR, DECEASED (Owner) OF ALTUS FOR A DEDICATED STREET THAT CONNECTS COTTON TAIL LANE AND CONCORD LAND TOGETHER WITH THE REMAINDER OF THE 0.49 ACRE TRIANGULAR PARCEL OF LAND, THAT IS ADJACENT TO HUNTER POINTE ADDITIONS, OR TAKE ANY OTHER APPROPRIATE ACTION.

BACKGROUND: This agenda item relates to the Hunter Pointe Bridge Project; providing a second means of egress for the Hunter Pointe Additions; the January 22, 2013 Agreement for the Hunter Pointe Bridge and to the Agreement approved by the City Council on July 7, 2015 between this Owner, the City and the Developer, establishing a public street is done by signing a Dedication Deed. Legally and by past practice, the City has to vote to accept this Dedication and thereby agree to provide future maintenance. Dedication Deeds are used for City streets and alleys and not

required for utility-type easements or parcels of real property. The property owner will sign the Dedication Deed before the July 21, 2015 City Council meeting.

This item presented by Mayor Smiley

Motion made by SHELTON and seconded by MARTIN to accept the Dedication Deed from Rodger T. Kerr, Administrator of the Estate of Robert Mark Kerr, for a dedicated street that connect Cotton Tail Lane and Concord Lane together with the remainder 0.49 acre of land.

The Mayor called for the vote recorded as follows:

AYE: McAuliffe, Winters, Kidwell, Martin, Riffle, Jencks, Shelton, Smiley

NAY: Henry

Motion carried 8-1

9. CONSIDER, DISCUSS AND VOTE TO ACCEPT OR NOT ACCEPT THE ALTUS CITY PLANNING COMMISSION (ACPC) RECOMMENDATION CONCERNING THE FINAL PLAT FOR THE HUNTER POINTE XI ADDITION AND IF APPROVED BY ACPC, VOTE TO APPROVE RESOLUTION NO. 2015- ACCEPTING THE FINAL PLAT OF THE HUNTER POINTE XI ADDITION, OR TAKE ANY OTHER APPROPRIATE ACTION.

BACKGROUND: This agenda item is a follow-up to prior denial by the Altus City Planning Commission and the City Council on May 6, 2014 to approve a Resolution accepting the Hunter Pointe XI Addition Final Plat. The ACPC and Council did not approve the Resolution based on the lack of a second means of egress for the Hunter Pointe Addition as required by Altus Fire Codes.

The reason the Resolution to accept the Hunter Pointe XI Addition Final Plat is back on the City Council agenda is that the Council's approval on July 7, 2015 of an Agreement between the Owner and Developer will result in the completion of the Hunter Pointe Bridge and connecting roadway. The Dedication Deed for the 0.49 acre of land for the bridge was included in the Agreement. Owner Rodger Kerr will sign the Dedication Deed prior to the July 21, 2015 Council meeting.

This item presented by Barbara Burleson, Planning Director and Gary Brickley, Engineer

A lengthy discussion continued. Chad Osborne, Street Commissioner, addressed the Council stating that he had no problem with the recommendation concerning the temporary road.

Motion made by SHELTON and seconded by JENCKS to approve the Final Plat Plat for the Hunter Pointe XI Addition and approve Resolution No. 2015-33 accepting this Final Plat of for the Hunter Pointe XI Addition.

The Mayor called for the vote recorded as follows:

AYE: Riffle, Jencks, McAuliffe, Shelton, Kidwell, Winters, Martin, Smiley

NAY: Henry

Motion carried 8-1

10. CONSIDER, DISCUSS AND VOTE TO APPROVE ORDINANCE NO. 2015-10 REPEALING BOTH SECTION 25-4.5 "STORM RECOVERY FEE" TO THE ALTUS CODE 1980 AND ORDINANCE NO. 2010-02, AS THIS ADDITIONAL FEE TERMINATED BY COUNCIL MOTION SEVENTEEN (17) MONTHS AFTER MARCH 17, 2010, OR TAKE ANY OTHER APPROPRIATE ACTION.

BACKGROUND: In dealing with the AMA and City Council agenda items relating to garbage and trash, page 5-3.1 AMA agenda book, staff noticed that there was no longer a need to have "Sec. 24-4.5 Same – Storm recovery fee" as it had terminated.

This item presented by Catherine Coke, City Attorney

Motion made by MARTIN and seconded by WINTERS to approve Ordinance No. 2015-10 as written.

The Mayor called for the vote recorded as follows:

AYE: Shelton, Jencks, Henry, Riffle, Kidwell, Martin, Winters, McAullife, Smiley

NAY: None

Motion carried 9-0

11. CONSIDER, DISCUSS AND VOTE TO APPROVE ORDINANCE NO. 2015- 11 ADDING SECTION 25-4.5 “Truck Fee” TO THE ALTUS CODE 1980 , ADDING MONTHLY TO THE REGULAR, GARBAGE AND TRASH FEES CHARGED TO CUSTOMERS UNDER SECTION 25-4, A FEE OF \$2.00 PER DUMPSTER FOR RESIDENTIAL CUSTOMERS AND A FEE OF \$2.00 PER DUMPSTER FOR BUSINESSES, SCHOOLS AND CHURCHES , IN ORDER TO FUND AT LEAST EVERY OTHER YEAR, THE PURCHASE OF A NEW SIDE LOADER, OR TAKE ANY OTHER APPROPRIATE ACTION.

BACKGROUND: This is a follow-up to both the Altus Municipal authority Trustees and the City Council’s vote at its last meeting on July 7, 2015, to add an additional fee of \$2.00 per residential dwelling and \$2.00 per dumpster, per month, as a “Truck Fee” for the purpose of funding at least every other year, the purchase of a new side loader truck for trash pickup.

This item presented by Mayor Smiley

Motion made by KIDWELL and seconded by HENRY to approve Ordinance No. 2015-11 adding Section 25-4.5 “Truck Fee” to the Altus Code 1980, adding monthly to the regular, garbage and trash fees charged to customers under Section 25-4 a fee of \$2. per residential customer and a fee of \$2. per dumpster for businesses, schools and churches in order to fund at least every other year, the purchase of a new side loader.

The Mayor called for the vote recorded as follows:

AYE: Shelton, Jencks, Henry, Riffle, Kidwell, Winters, Martin, McAuliffe, Smiley

NAY: None

Motion carried 9-0

12. REVIEW, DISCUSS AND POSSIBLE ACTION ON OTHER NEW BUSINESS IF ANY, WHICH HAS ARISEN SINCE THE POSTING OF THE AGENDA AND WHICH COULD NOT HAVE BEEN REASONABLY FORESEEN PRIOR TO POSTING OF THE AGENDA. (25 O.S.A., SECTION 3-111 (9)).

None

13. ADJOURN 8:05 P.M.

Jack Smiley, Mayor

Debbie Davis, City Clerk/Treasurer

